

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KENYA THOMAS & TYANA MILLER,
Plaintiffs,

-v-

CITY OF NEW YORK, *et al.*,
Defendants.

17-CV-8593 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

On August 26, 2024, Plaintiffs objected to the Bill of Costs filed by the City of New York on August 22, 2024. (ECF Nos. 163, 165.) The City did not respond to Plaintiffs’ objection.

“While indigency does not necessarily preclude an award of costs, a plaintiff’s lack of financial resources may be a proper ground for denying costs, particularly where there is a wide disparity of resources between the parties.” *Portillo v. Webb*, No. 16-CV-4731, 2024 WL 1621066, at *2 (S.D.N.Y. Apr. 15, 2024) (internal quotation marks omitted). Plaintiffs proceeded in this litigation *in forma pauperis* (ECF Nos. 3, 4), and stated that they have approximately \$150 a week to cover all expenses excluding rent and transportation (*see* ECF No. 3 at 1-2). Given the additional costs of food, health care, and raising a child in New York City, “it would be virtually impossible” for Plaintiffs to pay the \$3,235.70 demanded of them. *See Culp v. Zaccagnino*, No. 96-CV-3280, 2000 WL 35861, at *2 (S.D.N.Y. Jan. 18, 2000) (ECF No. 166 at 1). Further, the City has a budget “of approximately \$107 billion,” and thus a wide disparity of resources exists. (ECF No. 165 at 2.)

Given these equitable considerations, Plaintiffs' request to waive the Bill of Costs is thus GRANTED.

The Clerk of Court is directed to excuse the Plaintiffs from the costs enumerated at ECF No. 166.

SO ORDERED.

Dated: September 10, 2024
New York, New York



J. PAUL OETKEN
United States District Judge